

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CAREDX, INC. and THE BOARD)	
OF TRUSTEES OF THE LELAND)	
STANFORD JUNIOR)	
UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 19-567-CFC
)	
NATERA, INC.,)	
)	
Defendant.)	

ORDER

Pending before me are Defendant Natera, Inc.'s Objections to Magistrate Judge's Report and Recommendation on Its Motion to Dismiss. D.I. 63. The Magistrate Judge recommended in his Report and Recommendation (D.I. 53) that I deny Natera's motion to dismiss the Complaint and deny Plaintiffs' Motion for Leave to File Sur-reply (D.I. 21). D.I. 53 at 10.

The Magistrate Judge issued his Report and Recommendation on February 10, 2020. On March 6, 2020 the parties filed a stipulation, subject to the Magistrate Judge's approval, permitting the filing of the First Amended Complaint. D.I. 71. On March 11, 2020, the Magistrate Judge approved the stipulation; and on March 12, 2020, the First Amended Complaint was filed (D.I. 74).

“The filing of an amended complaint generally renders a pending motion to dismiss moot.” *Pippett v. Waterford Dev., LLC*, 166 F. Supp. 2d 233, 236 (E.D. Pa. 2001).

Wherefore, in Wilmington this 13th day of March 2020, it is HEREBY ORDERED that:

1. The Magistrate Judge’s Report and Recommendation (D.I. 53) is
VACATED;
2. Natera’s Objections (D.I. 63) are OVERRULED as moot;
3. Natera’s Motion to Dismiss the Complaint (D.I. 9) is DENIED as moot
WITHOUT PREJUDICE;
4. Plaintiffs’ Motion for Leave to File Sur-reply (D.I. 21) is DENIED as
moot;
5. Natera is free to file a motion to dismiss the First Amended Complaint;
and
6. The referral to the Magistrate Judge is withdrawn as to any motion to
dismiss based on a failure to claim patentable subject matter under 35
U.S.C. § 101.


United States District Judge